

Office of Professional Accountability (OPA)

Commendations & Complaints Report

April 2006

Commendations:

Commendations Received in April: 52

Commendations Received to Date: 160

Agate, Clayton Coolidge, Marshall Gregorio, C. Hanson, Brian Huserik, Randall Liston, Timothy McRae, Craig Moss, Wendy Settle, Michael Thomas, Robert	A commendation was received by numerous officers for their excellent efforts, coordination and initiative in clearing nearly 20 burglary cases in the South Precinct area. A crime pattern has been substantially stopped in its tracks due to these officers' efforts.
Anderson, Carl D'Ambrosio, D. Downing, Brian Durkee, Ian Evans, Nicholas Foley, David Grant, Arron Grieve, Brett Griffin, Michael Hughey, B. Lancaster, M. Lewis, Michael Marks, Stephanie Osburn, Glenn Samson, Jennifer Shin, Jay Stewart, Steven Thorp, Adam White, Steven	A thank you note was received by numerous officers who were involved in searching for a suspect in the Seward Park area. They were professional, polite and thorough in their search.
Anderson, Sue	An officer and a dispatcher were commended for their professional manner in which they handled a call. It left a very positive impression of the Department.
Liner, Keith	
Briskey, Jacob	Two officers were commended for their exceptional investigation in a residential burglary. Their investigation will assist in charging the suspect with the crime.
Probst, Cameron	
Britt, James	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. The officer was commended for his quick response.
Lim, Ponha	The vehicle was found abandoned and had not suffered any apparent damage.
Britt, James	
Byrd, Samuel	A thank you note was received by two officers for their hard work and fast action.
	A father and his son sent a letter of thanks and gratitude to Off. Danley for his help, professionalism and compassion shown to them at the time of their car accident.
Danley, Brian	
Hanf, Mark	Detective was thanked by various schools and students for his excellent presentations on the CSI Unit.
Hirjak Jr, Stephen	A caller advised the Department that he was very impressed with the courtesy, professionalism, concerning and caring manner in which Sgt. Hirjak addressed a

	complaint. The complaint was addressed in a thorough and professional manner.
Jones, Kevin Roufs, Heather	Two officers were commended for their prompt response to a call about a man with a gun. Because of the officers' quick response, they were able to control the scene and address the suspect appropriately. Due to the officers' actions, a potentially dangerous person was taken into custody. The suspect was a convicted felon and was not allowed to possess firearms.
Lewis, Michael Omelanchuk, R. Weaver, Thomas	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. Through a coordinated effort, three officers were commended for their quick response in locating this vehicle.
Montaron, Gilles Ragonesi, A.	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. Two officers were commended for their quick response.
Nollette, Deanna	Sgt. Nollette received a letter of thanks for her courtesy, support and hospitality that she extended to members of the Hayward Police Department while they were attending training in Seattle.
Ragonesi, A.	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. The officer was commended for his quick response. The vehicle was located with minor damage.
Stewart, Charles	Officer Stewart was commended for his professionalism during a traffic stop.
Sylvester, David	An officer received a letter of appreciation by another law enforcement agency for his assistance in an investigation at the Fisherman's Terminal.
Villanueva, Steven	Officer Villanueva received a commendation from a victim of a "hit and run" for his confidence and professional demeanor while investigating the incident. Victim was very pleased with his level of service.

*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

April 2006 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

CONDUCT UNBECOMING AN EMPLOYEE

The complainant alleged the named employee used unnecessary force during the search incident to arrest. The complainant also alleged that the officer made discourteous remarks about his ethnicity.	The evidence showed that the allegations were untrue. Portions of the interaction between the officer and the complainant were recorded on the car's audio/video equipment, and do not show derogatory remarks by the officer. Rather, the equipment does show the complainant making mild threats to the officer about securing his car and a lawsuit. The complainant made a sexual gesture to a female officer at the precinct, never reported any complaints to the sergeant at the precinct nor to the jail, and the complainant repeatedly declined to give a taped statement. Finding—UNFOUNDED.
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SAFEGUARDING/MISHANDLING EVIDENCE/PROPERTY

<p>Complainant alleged that when she was arrested, money in her possession was taken. She also alleged that the two named employees made inappropriate comments.</p>	<p>The complainant alleged she had \$200 in her possession. Arrest documents showed that \$133 was recovered. This amount was counted in the presence of a third witness officer, logged, and placed into Evidence. The evidence supports that the money was handled properly. Finding—UNFOUNDED.</p> <p>The evidence about the unprofessional comments was mixed. One officer admitted the comment attributed to him, but stated that it came from information being misread from a computer. The finding to this employee was EXONERATED.</p> <p>The other officer denied the comment attributed to him, but the allegation could not be discredited. This officer was counseled regarding professionalism and documentation. Finding—SUPERVISORY INTERVENTION.</p>
<p>It was alleged that the named employee failed to safeguard the subject's property during the booking process. The subject's cash was missing by the time he was booked into jail.</p>	<p>While on-duty the named officer transported the subject with his property to jail. Arrest records documented that the subject had \$110 of cash in his possession. The jail refused the subject, and he was then transported to Harborview. The officer said he either forgot the property bag or decided to leave it for the jail staff to watch. The bag and the money may have been in was recovered in another prisoner's property bag, but the money was not recovered. Finding—SUSTAINED.</p>

USE OF FORCE

<p>Complainant alleged that the named employees used unnecessary force when they forced his legs wide apart during a pat down search and bent his wrist back while being escorted to a patrol car.</p>	<p>The complainant was contacted as a possible suspect in a car prowling incident. The evidence indicated that the first named employee conducted a standard pat down. The second employee did employ a pain compliance hold when he encountered some verbal resistance by the complainant. He stated that he believed the complainant might have wanted to fight, so he wanted to establish some control. The hold used is taught in the academy and permitted by policy. This force was documented, screened, and reported. Finding—EXONERATED.</p>
<p>Complainant alleged the named employee used unnecessary force when he detained her.</p>	<p>The named employee responded to a call by a bank about a customer threatening to commit suicide. The named officer contacted the subject as she was preparing to leave in her car. The officer pulled her from the car and detained her while he called for a mental health evaluation. Independent witnesses noted that the officer handled the situation extremely well and that minimal force was used. There is no persuasive evidence that the contact caused injury to the subject. Finding—ADMINISTRATIVELY EXONERATED.</p>
<p>The complainant alleged that employees assaulted him for no reason. He stated that officer's pulled his hair and threw him to the ground where he was struck</p>	<p>The investigation determined that the complainant was being arrested and was highly intoxicated at the time of the incident. The evidence supported that the officers used appropriate and necessary force to overcome the resistance to the arrest. During the interview, the complainant</p>

in the back of the head with an object and hit in the face.	acknowledged that he had resisted. Finding—EXONERATED.
It was alleged that officers used excessive force while arresting a subject for domestic violence.	Witnesses provided an accurate tag number and location and stated that the subject was assaulting a woman in a car. Officers located the vehicle and the subject was very angry and hostile punching the dashboard twice causing damage. During the contact, the subject advised officers that he had kidnapped the victim. The subject exited the vehicle and challenged the officers requiring them to use force to affect the arrest. The force was deemed appropriate and necessary to contain and arrest the subject. Finding—EXONERATED.
Complainant alleged that officers used unnecessary force, including multiple uses of pepper spray, while making an arrest. Further, the complainant alleged that after being pushed and taken to the ground during the struggle, he was injured and his glasses were broken	This case involved allegations against two officers. Evidence showed that most of the actions of the initial responder were consistent with department policy, however, the evidence did not prove or disprove that the second use of pepper spray was necessary. Finding—NOT SUSTAINED. The force used by the second officer was determined to be appropriate and within policy. Finding—EXONERATED
It was alleged that the named employee fired his weapon at a moving vehicle in violation of Department policy.	The named employee was investigating a domestic violence call when an unrelated subject approached him and asked for a ride. When she was refused, she got into a nearby patrol car, and began to drive away. The named employee approached the subject, ordered her to stop, and ran alongside the driver's side of the car. The subject fishtailed the car as she accelerated from the scene. The named employee fired three rounds into the patrol car to try to stop the subject. None of the rounds hit the subject and she sped away. She was later apprehended and taken into custody. SPD policy prohibits shooting at a moving vehicle. Finding—SUSTAINED.

VIOLATIONS OF RULES/REGULATIONS

It was alleged that while off-duty in another jurisdiction, the named employee left his firearm unattended in a friend's apartment where it was mishandled, resulting in a discharge. It was further alleged that the named employee failed to promptly report this discharge to the authorities or to the Department, and failed to cooperate with the investigating agency.	The evidence supported the allegations. Findings on all allegations—SUSTAINED.
It was alleged that the named employee used Department resources to identify a driver he was involved in a traffic disturbance with while off-duty. It was alleged that the named employee mailed threatening	The named employee and the subject became involved in a road rage incident while each was traveling on I-5. The named employee wrote down the license plate, used Department equipment and resources to identify the driver, then sent the information, a map, and an inappropriate note to the subject's home address. The employee admitted the wrongdoing. Finding—SUSTAINED.

and/or harassing notes and information to the subject's house.	
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MISUSE OF AUTHORITY

It was alleged that the named employee entered into a relationship with a subject of a criminal complaint that he had met in his official police capacity. When the individual attempted to end the relationship, the employee misused his position of authority in an attempt to continue the relationship and in so doing violated department policies.	The preponderance of the evidence supported the allegation as described. The employee's conduct was inappropriate and department policies were violated. Further, evidence supported that the employee provided a statement concerning a criminal case prepared outside of the department for the purpose of testimony. Finding MISUSE OF AUTHORITY—SUSTAINED. Finding VIOLATION OF RULES, REGULATIONS/LAWS—SUSTAINED. Finding PROVIDING CRIMINAL CASE TESTIMONY—SUSTAINED.
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VIOLATION OF LAW

It was alleged that the named employee committed a violation of law by demanding a sex act in lieu of arresting an individual on a drug charge.	SPD detectives reported information they obtained from an informant, who had reportedly heard the allegation from an acquaintance. The acquaintance was contacted and interviewed, and she denied any knowledge of the alleged misconduct, and also denied knowledge of misconduct of this nature involving any other officers. Finding—ADMINISTRATIVELY UNFOUNDED.
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April 2006 Cases Selected for Mediation:

Cases described below were referred for mediation.

- No cases were mediated in April

Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

“Supervisory Intervention” means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee's chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.

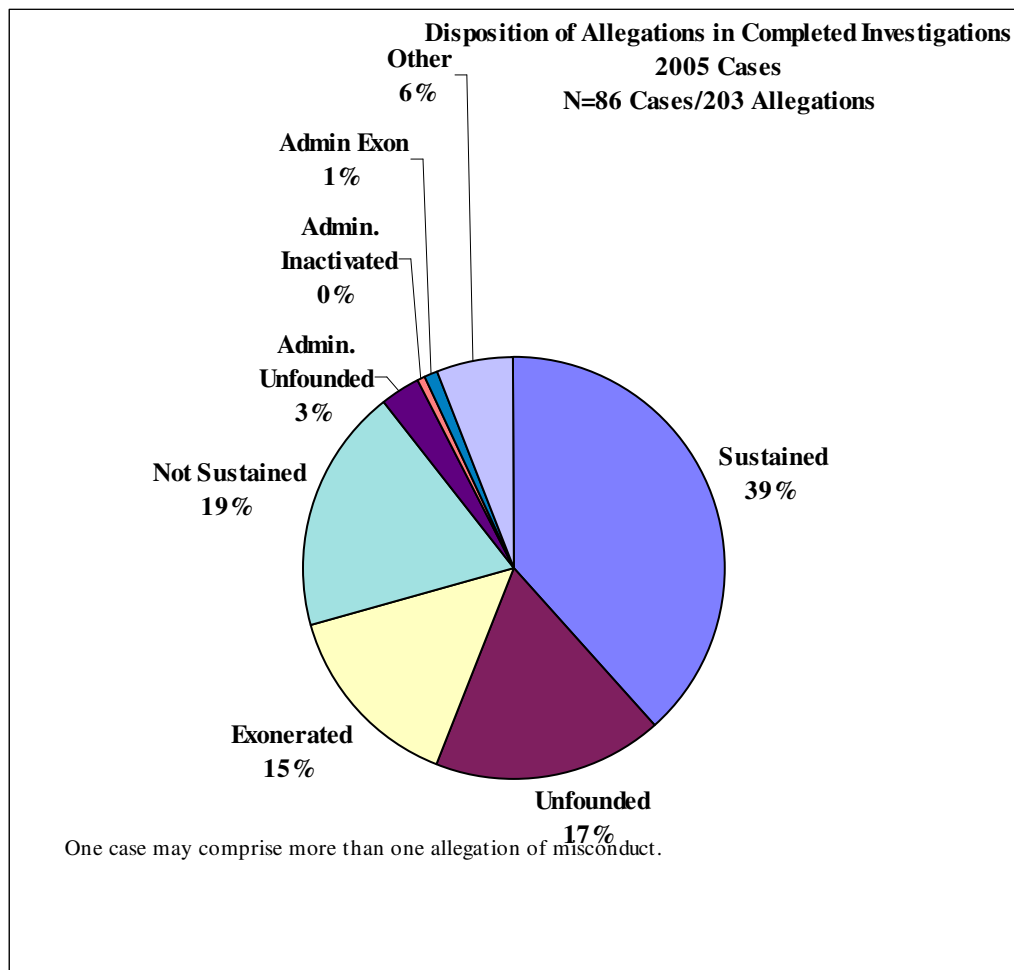
“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee's actions were found to be justified, lawful and proper and according to training.

“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Status of OPA Contacts to Date: 2005 Contacts

	December 2005	Jan-Dec 2005
Preliminary Investigation Reports	23	315
Cases Assigned for Supervisory Review	5	77
Cases Assigned for Investigation (IS;LI)	8	210
Cases Closed	40	86*
Commendations	84	498

*includes 2005 cases closed in 2006



2006 Contacts

	Apr 2006	Jan-Dec 2006
Preliminary Investigation Reports	40	75
Cases Assigned for Supervisory Review	6	24
Cases Assigned for Investigation (IS;LI)	12	54
Commendations	52	160